

REMARKS

Claims 30-34 are in the case and presented for consideration.

Claims 16-29 have been canceled without prejudice to Applicant's rights to pursue the canceled subject matter in a continuing application. In light of cancellation of claims 16-29, the rejection of claims 16-29 under 35 U.S.C. § 112, first and second paragraphs, are believed to be moot.

New claims 30 to 34 recite other features of Applicants' invention. Support for claims 30 to 34 can be found, for example, in the originally filed claims 1-11, and page 3, lines 7-13, 21-22 and 28-31, and page 4, lines 10-30, of the specification

Accordingly, no new matter has been added.

Rejection Under 35 U.S.C. § 102 or 35 U.S.C. § 103

Claims 16-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over either of JP 358090985A ("JP '985") or U.S. Patent 5,897,797 to Drouillard, et al. ("Drouillard"). The reasons for the rejection are stated on page 3 of the Office Action. The rejections are respectfully traversed.

In light of cancellation of claims 16-29, the above-noted rejections are believed to be moot. Withdrawal of the rejections of claims 16-29 is respectfully requested.

Applicant submits that claims 30-34 are neither anticipated nor rendered obvious by the references cited in the Office Action.

Claim 30 recites:

An apparatus for marking a meat product, comprising:

a laser applying device with selectable beam intensity configured to produce a desired marking on said meat product, said marking being permanently applied in high or low relief to said meat product and recognizable by a consumer both visually and by touch;

a monitoring sensor configured to sense a characteristic of said meat product, said characteristic at least being selected as one of meat type, texture and grammage; and

a programmable logic controller coupled to said laser applying device and said monitoring sensor, said controller being adapted to select the appropriate beam intensity and control the relative movement of said laser applying device with respect to a surface of said meat product having said marking being applied thereto, based on said sensed characteristic of said meat product and based on instructions provided to said controller for creating said marking, said marking having at least one of logotype, product origin and expiration date to ensure truthfulness of informative given to said consumer about said meat product.

The Office Action asserts that JP '985 describes a laser marking apparatus and a heat plate marking apparatus, and that that computer control of a marking process in a manufacturing facility is inherent. Applicant respectfully disagrees.

Initially, claim 30 is not directed to a heat plate marking apparatus.

In JP '985, laser beams are passed through a stencil (i.e., a plate with transparent part) to bake the desired characters or figures on the food.

In contrast, claim 30 recites a laser applying device that is configured to move relative to a surface of the meat product to permanently create the desired marking. Thus, marking is achieved without the use of a stencil. Also, JP '985 provides no details regarding whether the food marking operation is computer controlled. Even if the operation were computer controlled (as the Office Action seems to suggest), JP '985 still would not teach or suggest the arrangement recited in claim 30 since a stencil is used to create the desired mark, not the movement of the laser beams. JP '985 teaches that the laser beams only have to pass through the stencil to produce the marking. Therefore, claim 30 is believed to be patentable over JP '985. Claims 31-34 depend from claim 30 and, accordingly, are also patentable over JP '985 for at least the same reasons as those discussed above regarding claim 30.

The Office Action also asserts that Drouillard describes "a laser marking device comprising a holding means and sensing means and computer control."

It is respectfully submitted that Drouillard fails to disclose or suggest a device for marking different types of meat product configured to produce a visually and touch-recognizable marking to, for example, permit consumers to obtain information about the meat product from the marking, even after the meat product has been removed from its

packaging or processed (i.e., cooked). See, e.g., specification, page 3, lines 21-27. Drouillard's application is only in marking produce without penetrating the meat of the produce. See Drouillard, col. 5, lines 62-64, which states that "[t]he laser light beam 30 must not penetrate below the hypodermis 34 of the citrus fruit, otherwise spoilage can occur." In fact, Drouillard teaches that the depth of vaporization must not exceed one cell of the produce skin thickness (i.e., 20 to 120 microns) to avoid damaging the produce. See col. 5, lines 35-50. As a result, the marking described in Drouillard is not discernable by touch. Therefore, claim 30 is believed to be patentable over Drouillard. Claims 31-34 depend from claim 30 and, accordingly, are also patentable over Drouillard for at least the same reasons as those discussed above regarding claim 30.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested.

If any issues remain, the Examiner is respectfully invited to contact the undersigned to advance the application to allowance.

Respectfully submitted,

/Chih-Sheng Lin/
Reg. No. 56,402
Attorney for Applicants
ph. (845) 359-7700

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NOTARO & MICHALOS P.C.
100 Dutch Hill Road, Suite 110
Orangeburg, New York 10962-2100

Customer No. 21706